

CONFORMITY OF TRANSPORTATION AND AIR QUALITY PLANS

CONFORMITY REQUIREMENT:

Federal law requires that transportation plans include an estimate of the impact on air quality and that air quality plans be developed to implement health standards. Federal law also requires transportation plans to conform with air quality plans, in order to protect public health. If the conformity lapses (i.e., transportation plans cease to conform with air quality plans), federal funds cannot be used for new construction projects that increase transportation capacity.

PROBLEM:

- , Conformity of Salt Lake County and Utah County transportation plans with air quality plans for particulate matter pollution (PM10) will lapse in Utah County in August 2000 and Salt Lake County in January 2001.
- , Because of federal administrative and district court decisions (*see* History), Utah will not be able to re-establish conformity in those counties without revising its PM10 State Implementation Plan (SIP).
- , Using only currently assigned staff in state and local agencies, the new PM10 and transportation plans would not demonstrate conformity until late 2004.
- , This conformity lapse would restrict the use of federal transportation funds in Salt Lake and Utah Counties for almost four years.

HISTORY:

- , DEQ Action to Eliminate Conformity Problem:
 - July 1998: Division of Air Quality sought to revoke the old PM10 air quality standard for Salt Lake and Utah Counties, since a new 1997 federal standard would replace the old one. This action would have eliminated the requirement for PM10 conformity and the problem.
- , Federal Agency and District Court Actions Create Problem:
 - January 1999: Federal transportation authorities required Utah transportation planners to use newer, higher vehicle emission estimates, which causes non-conformance of future transportation plans.
 - March 1999: Federal DC District Court rendered decision (*EDF v. EPA*) that threw out many rules on conformity which provided programmatic flexibility and grandfathering of previously-approved transportation projects.
 - May 1999: Federal DC District Court ruled (*American Trucking Assoc, et al v. EPA*) that the new 1997 PM10 standard was arbitrary and capricious. Therefore, the old PM10 standard cannot be revoked and the air quality and transportation plans do not conform.

SOLUTION:

In order to avoid a lapse in conformity, DAQ will develop a new PM10 air quality plan to accommodate new estimates of vehicle emissions. This will be accomplished using contractor support to accelerate the work schedule in order to minimize the duration of conformity lapse. DAQ and EPA designed a concurrent fast track approach which, coupled with contractor support, could allow approval of a new SIP and a conformity determination by March 2002, rather than late 2004. Conditional approval of an interim SIP may be possible; this would further reduce the period of non-conformity in Utah County to 6 months and in Salt Lake County to 2 months. In addition, UDOT will endeavor to advance some projects prior to the conformity lapse.